

**Amendments to the Claims**

This listing of claims below will replace all prior versions and listings of claims in the application.

**Listing of Claims:**

1-10. (canceled)

11. (Currently amended) A bacteria measuring apparatus comprising:  
a sampling device for sampling a sample comprising fluorescently stained bacteria;  
a first detector for detecting size information from each of the bacteria in the sample;  
a second detector for detecting fluorescence information expressing intensity of fluorescent light emitted from each of the bacteria in the sample; and  
a processor;  
a control unit configured memory storing programs for enabling the processor to performing execute operations comprising:  
creating a scattergram of the bacteria using the size information and the fluorescence information as parameters;  
obtaining a maximum variance direction of distribution of the bacteria in the scattergram by analyzing the distribution of the bacteria in the scattergram;  
and  
determining whether the bacteria in the sample are bacillus or coccus based on an analysis result the maximum variance direction of the distribution.

12.-13. (Cancelled)

14. (Currently amended) The apparatus of ~~Claim 13~~ Claim 11, wherein the analyzing is performed so as to obtain a slope of the maximum variance direction as the analysis result based on the maximum variance direction.

15. (Original) The apparatus of Claim 11, wherein the first detector detects scattered light obtained from the bacteria.
16. (Original) The apparatus of Claim 11, wherein the first detector comprises:  
a member having a pore for passing through the bacteria; and  
first and second electrodes;  
wherein the first detector detects electrical resistance between the first and the second electrodes, which is generated by passage of the bacteria through the pore.
17. (Original) The apparatus of Claim 11, further comprising:  
a flow cell for flowing the sample comprising the bacteria; and  
a laser light source for irradiating the sample within the flow cell;  
wherein the first detector detects scattered light emitted from the bacteria in the sample irradiated by the laser light source; and  
wherein the second detector detects the fluorescent light emitted from the bacteria in the sample irradiated by the laser light source.
18. (Original) The apparatus of Claim 11, further comprising:  
a specimen holding part for placement of a specimen;  
a reagent holding part for placement of fluorescent dye reagent; and  
a mixing part for preparing a sample by mixing the specimen and the fluorescent dye reagent.
19. (Currently amended) The apparatus of Claim 11, further comprising a display for displaying a result determined by the control-unit processor.
20. (Previously presented) The apparatus of Claim 19, wherein the display displays a warning when it is difficult to determine a type of the bacteria.

21. (Currently amended) The apparatus of Claim 19, wherein the display displays a degree of reliability for a type of the bacteria determined by the control-unit processor.

22-24. (Canceled)

25. (Currently amended) A bacteria measuring apparatus comprising:  
a sampling device for sampling a sample comprising fluorescently stained bacteria;  
a first detector for detecting size information from each of the bacteria in the sample;  
a second detector for detecting fluorescence information expressing intensity of fluorescent light emitted from each of the bacteria in the sample; and  
a processor;  
a control-unit configured memory storing programs for performing-enabling the processor to execute operations comprising:

obtaining a maximum variance direction of distribution of the bacteria in a scattergram which is created by analyzing-using the size information and the fluorescence information obtained from the bacteria; and

determining whether the bacteria in the sample are bacillus or coccus based on an-analysis-result the maximum variance direction of the distribution.

26. (Currently amended) The apparatus of claim 25, further comprising a display, wherein the operations further comprise creating a-the scattergram based on the size information and the fluorescence information obtained from the bacteria, and the display displays the created scattergram.

27. (Canceled)